

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: Community and Human Development
AGENDA DATE: July 19, 2005
CONTACT PERSON/PHONE: Thomas Serrano (915) 541-4642
DISTRICT(S) AFFECTED: 1, 3, 6 and 8

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the Mayor be authorized to sign an amendment to Grant Agreement and a Memorandum of Agreement by and between the United States Department of Housing and Urban Development, the State of Texas and the City of El Paso, Texas related to the implementation of the 1999 Empowerment Zone Planning and Implementation Grant.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Authorization is requested for the Mayor to sign an amendment to the 1999 Memorandum of Agreement and Grant Agreement with the U.S. Department of Housing and Urban Development (HUD) for additional 2005 funding since Congress appropriates Empowerment Zone funding annually, and to add and delete certain administrative requirements. The Grant Agreement for the El Paso Empowerment Zone Program has been amended each year since the 1999 MOA as follows: 1999 MOA and Grant Agreement for \$3 Million; 2000 Amendment for \$3,666,667 Million; 2001 Amendment for \$5 Million; 2001 Amendment for \$7,306,200 Million; 2002 Amendment for \$3 Million, 2003 Amendment for \$1,987,000 Million, 2004 Amendment for \$994,100 Thousand and with this amendment for 2005 for \$661,333 Thousand the total EZ funds received for the El Paso Empowerment Zone Program through 2005 is \$25,615,333 Million.

The \$661,333 appropriation for the El Paso Empowerment Zone Program is to be used in conjunction with economic development related activities consistent with the strategic plan of the El Paso Empowerment Zone Program.

PRIOR COUNCIL ACTION:

This amendment occurs on an annual basis as funds are appropriated by Congress.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Funds are located in Department ID 71150075, Fund 11002, and Grant G71EZECEPEZ

BOARD / COMMISSION ACTION:

NA

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

R. A. Salinas

05 JUL 19 2005
CITY CLERK DEPT.

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
05 JUL 15 AM 11:03

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to Grant Agreement and a Memorandum of Agreement by and between the United States Department of Housing and Urban Development, the State of Texas and the City of El Paso, Texas related to the implementation of the 1999 Empowerment Zone Planning and Implementation Grant, whereby additional funds in the amount of \$661,333 will be added to the grant.

ADOPTED this 19th day of July 2005.

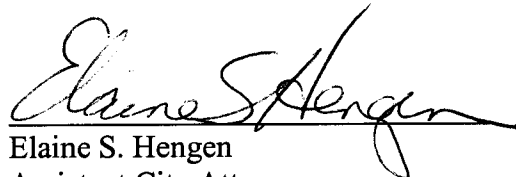
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Elaine S. Hengen
Assistant City Attorney

**AMENDMENT TO 1999 EMPOWERMENT ZONE PLANNING AND
IMPLEMENTATION GRANT NO. EZ-99-TX-0013**

This Amendment is to the Grant Agreement dated June 29, 1999, Grant Number EZ-99-TX-0013, between the United States Department of Housing and urban Development (HUD) and the State of Texas; and the City of El Paso, Texas ("Nominating Entities").

Whereas HUD's Appropriation for Fiscal year 2005 provides an additional \$9,920,000.00 for grants in connection with the second round of Empowerment Zones program in urban areas designated by the Secretary in 1999 pursuant to the Taxpayer Relief Act of 1997. This appropriation includes \$661,333 **"for each Empowerment Zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone."**

In reliance upon and in consideration of the mutual representations and obligations herein contained, the Grant Agreement for 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013, between HUD and the named Nominating Entities is hereby amended to include the following revisions:

1. The third paragraph is amended to include the following new provision:

In addition to the amounts previously provided, and subject to the provisions of the Grant Agreement, HUD will make additional grant funds in the amount of \$661,333 available to the EZ. These monies must be drawn down from LOCCS by Sept. 30, 2010.

2. ARTICLE I, PARAGRAPH D, is revised to read:

Except as expressly provided herein, the Nominating Entities and governmental subrecipients shall comply with the requirements and standards of OMB Circular No. A-87, "Cost Principles for State, Local, and Indian Tribal Governments"; and 24 CFR part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to 'state and Local Governments.'" Subrecipients that are not governmental entities shall comply with the requirements and standards of OMB Circular No. A-122, "Cost Principles for Non-profit Organizations," or OMB Circular No. A-21, "Cost Principles for Educational Institutions," (as applicable) and 24 CFR part 84, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations."

All program income earned during the grant period shall be retained by the Nominating Entities. In accordance with 24 CFR 85.25(g)(2), the Nominating Entities are authorized to add a program income to the funds awarded by HUD and to use the program income under the same terms and conditions of this Grant Agreement. In accordance with 24 CFR 85.25(h), there will be no Federal requirements governing the disposition of program income after the end of the grant period.

3. This Amendment to the Grant Agreement, when signed by both parties where indicated, constitutes the entire agreement of the parties as to amendment of the Grant Agreement. The remaining terms of the Grant Agreement remain in full force and effect.

All terms used, but not defined, herein shall have the respective meanings set forth in the Agreement.

4. Paragraph 1 of this Amendment shall be effective the date it is executed by HUD. Paragraph 2 of this Amendment shall be effective as of the date of the Grant Agreement and shall be construed as if it were part of the Grant Agreement on the date of execution.

In witness whereunto we have affixed our signatures herein below:

**U.S. Department of Housing and
Urban Development**

State of Texas

Authorized Signature
Pamela H. Patenaude

Authorized Signature

Title
Assistant Secretary for
Community Planning and Development

Title

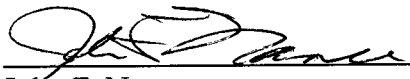
Date

Date

City of El Paso, Texas

APPROVED AS TO FORM:

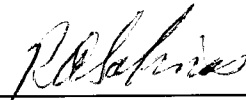
Authorized Signature
John F. Cook, Mayor


John F. Nance
Assistant City Attorney

Attest:

APPROVED AS TO CONTENT:

Richarda Duffy Momsen
City Clerk


Robert A Salinas, Director
Community & Human Development

Date